

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

August 13, 2013

In the Matter of C. L. HARRIS, Minor.

No. 314631

Washtenaw Circuit Court

Family Division

LC No. 2010-000066-NA

Before: SAAD, P.J., and K. F. KELLY and GLEICHER, JJ.

MEMORANDUM.

Respondent mother appeals as of right the trial court order terminating her parental rights to her minor child pursuant to MCL 712A.19b(3)(g). We affirm.

I. BASIC FACTS

The child was the product of a relationship respondent had with a second cousin. Respondent was just 14 when she became pregnant with the child.¹ Respondent had a history of assaultive behavior, issues with anger management, and an inability to work cooperatively with programs, which included two different mother-child residential programs.

In terminating respondent's parental rights pursuant to MCL 712A.19b(3)(g), the trial court noted respondent's anger issues and her inability to modify her behavior. She had an assaultive incident previously, was in two mother-child programs, had another assaultive incident, and was currently in prison. Respondent also failed to benefit from numerous services that were offered to her in addition to the mother-child programs. The trial court did not doubt that respondent loved the child, but she lacked the maturity and impulse control to care for him. Also, respondent's plan to care for the child had no realistic basis because she had never had a job and did not have family support. Regarding best interests, the trial court found respondent loved the child, but could not care for him and was overwhelmed by parenting him.

Respondent now appeals as of right.

¹ The child's father is in prison for criminal sexual conduct and his parental rights to the child were terminated. He is not participating in this appeal.

II. ANALYSIS

The trial court did not clearly err in finding that a statutory ground for terminating respondent's parental rights was established by clear and convincing evidence. *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondent received extensive services. From March 2011 to July 2012, she was in residential placements and for approximately six months, the minor child was placed with her in mother-child placements. Respondent participated in parenting classes, substance abuse services, therapy, anger management services, and had the support of being in a placement with the child. However, even at the time of termination, there was testimony that she could not live independently or care for the child on her own. Throughout the case, respondent exhibited angry and aggressive behavior and had ongoing issues with assaultive behavior and conflicts. Respondent's actions indicate she was unable to consistently provide proper care and custody for the child.

Respondent argues her rights should not have been terminated because she requested the child be placed with a relative, the paternal grandmother. However, respondent did not request this placement until termination proceedings were initiated and after she had left the child. Moreover, the child was previously placed with the paternal grandmother, but was removed when the grandmother violated the court's "no contact" order and allowed the child to be in the home with the father.

Contrary to respondent's position on appeal, her parental rights were not terminated because of her criminal behavior; rather, respondent's parental rights were terminated due to her lack of parenting skills and on-going anger issues combined with her impulsive behavior. The trial court did not focus on respondent's imprisonment as a justification for termination and, in fact, was clearly sympathetic with respondent's unfortunate personal history as a court ward.

Finally, although respondent does not raise the issue, we note that the trial court's decision that termination was in the child's best interests was proven by a preponderance of the evidence. MCL 712A.19(b)(5); *In re Moss*, ___ Mich App ___; ___ NW2d ___ (2013) (Docket No. 311610, released May 9, 2013), slip op at 6. The court properly considered respondent's ability to parent the child as well as the child's need for permanency, stability, and finality. *In re Olive/Metts Minors*, 297 Mich App 35, 42; 823 NW2d 144 (2012).

Affirmed.

/s/ Henry William Saad
/s/ Kirsten Frank Kelly
/s/ Elizabeth L. Gleicher